

REMARKS

Claims 11-14 and 16-21 are currently pending in the application; Claims 11, 17 and 18 are independent. Reconsideration of the pending claims is requested in view of the following remarks.

The Examiner has rejected Claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0096804 to Vogt et al., (hereinafter “Vogt”) in view of U.S. Patent Application Publication No. 2004/0101808 to Porter et al., (hereinafter “Porter”). Applicants respectfully submit that this rejection is overcome in view of the following remarks.

Independent Claim 11 recites a transfer part for holding a dental implant. The transfer part includes, *inter alia*, a free extension at one end of the transfer part for coupling a rotational tool and a first radial groove adjacent to the free extension for receiving a securing element. The transfer part further includes, *inter alia*, a clamping portion at the other end of the transfer part for the clamping connection of the transfer part to the dental implant, the clamping connection providing the sole connection between the transfer part and the implant. The clamping portion includes, *inter alia*, a force transmission element for securing the clamping connection against rotation, a second radial groove directly adjacent to the force transmission element, and a clamping ring insertable into the second radial groove to engage with the dental implant. The dental implant also includes, *inter alia*, an internal undercut positioned correspondingly to the second radial groove of the clamping portion of the transfer part and dimensioned suitably to provide together with the second radial groove a receiving means for clampingly receiving the clamp ring.

Independent Claims 17 and 18 both recite at least the above features.

Vogt discloses a combination of a dental implant (1), an adapter (3) and a transfer cap (2). The adapter engages the transfer cap, which in turn engages the dental implant. Specifically, as illustrated in Figs. 3A-3C of Vogt, the adapter has a driving section (30) for fitting into the dental implant, a holding section (31) for engaging the transfer tap, and a plug-type extension (33) for fitting into a coupling piece (rotational tool) used in connection with a screw turning instrument.

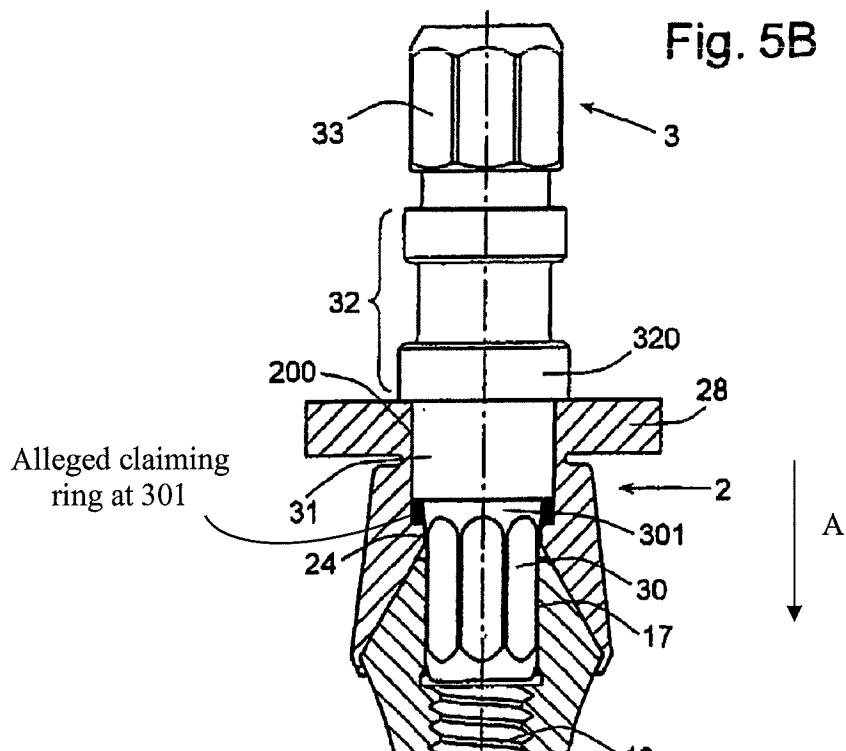
Vogt further discloses that the extension (33) has an annular groove (331) for receiving a ring (332) and a non-rotationally symmetrical outer contour (330) for form-fit attachment of the coupling piece (see Paragraph [0088], Lines 18-23 of Vogt).

Once the dental implant, the adapter and the transfer cap are assembled, the adapter is coupled with the cap through a press fitting or snap connection, and the transfer cap holds the dental implant through the engagement between an elastic lip (26) of the cap and an implant shoulder (11) of the dental implant (see Figs. 5B and 6B). In addition, the driving section (30) of the adapter is placed in a cavity (17) of the dental implant, and the extension (33) of the adapter is disposed outside of the dental implant for engaging a rotational tool during the transportation of the dental implant. Vogt discloses a single groove (331) and a single O-ring (332), which are located adjacent to the free extension (33) rather than to the driving section (30), as shown in Figs 3A-3C of Vogt.

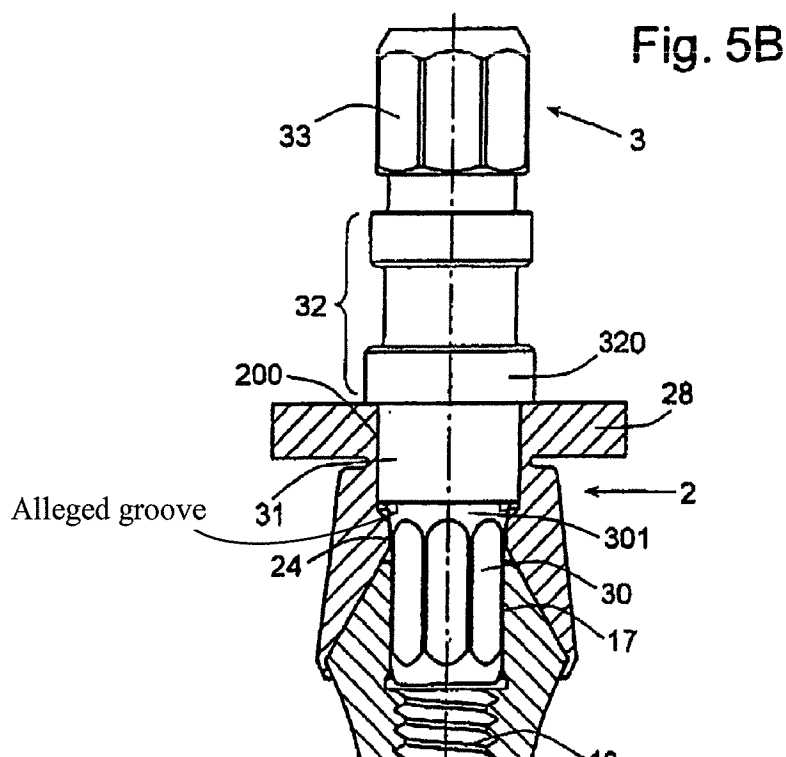
The Examiner has alleged that Vogt discloses, “a second radial groove (right above section 301) that is capable to directly engage with he[sic] dental implant” (see Page 3, Lines 5-6 of the Official Action). Applicants respectfully disagree with the above allegation based on the following reasons.

First, nowhere does Vogt teach, suggest or illustrate a second radial groove right above the section 301. Specifically, Vogt discloses that, “[t]he outer contour 300 runs out as a beveled surface 301 at the transition to the holding section 31” (emphasis added, see Paragraph [0088], Lines 10-11 of Vogt). The alleged groove simply does not exist.

Furthermore, due to the lack of a second radial groove, Vogt fails to provide a premise for allowing a clamping ring insertable into the second radial groove to engage the dental implant. Specifically, the beveled surface (301) does not provide any channel or recession, which would structurally allow insertion of a clamping ring and would prompt any desirability to insert a clamping ring. Even assuming *arguendo* it is desirable to dispose a clamping ring at the beveled surface (301), the ring would not be able to secure the dental implant to the transfer part by positively engaging groove surfaces of both the dental implant and the transfer part. As a matter of fact, in view of the slanted surface, the clamping ring would slide downwardly in a direction indicated by an arrow A in the following diagram reproduced from Fig. 5B of Vogt.



In addition, any alleged groove located at the area indicated by the Examiner would not be able to clamp the transfer part to the dental implant, because the area “right above section 301” is not located within the implant bore during operation. Under this scenario, it is highly undesirable for a person of ordinary skill in the art to place a groove at the area right above section (301), as shown in the following diagram reproduced from Fig. 5B of Vogt. Disposition of such a groove serves no practical purpose, other than to adversely affect the contact of the adapter (3) with the cap (2) of Vogt by creating a gap between the adapter and the cap. This would not be desirable.



Hence, contrary to the Examiner’s assertion in the Official Action, Vogt fails to teach or suggest a second radial groove directly adjacent to the force transmission element, into which a clamping ring is insertable to engage with the dental implant, as recited in Claims 11, 17 and 18.

The Examiner has further alleged that Vogt discloses, “the clamping portion (30) provides the sole connection between the transfer part and the implant (Fig. 5b)” (see Page 3, Lines 10-11 of the Official Action). Applicants respectfully disagree with the above allegation based on the following reasons.

In Vogt, the attachment between the implant and the adapter occurs via the external transfer cap. Vogt describes at Paragraph [0094] thereof:

“When the transfer cap 2 is locked onto the implant 1 and the adapter 3 is inserted to its full depth into this combination, the driving section 30 of the adapter 3 engages in the inner contour 17 in the implant 1, and the holding section 31 of the adapter 3 is gripped with defined frictional connection by the cylinder portion 200 of the transfer cap 2. ... The frictional connection between the transfer cap 2 and the adapter 3 is dimensioned so that although the adapter 3 inserted in the transfer cap 2 and in the implant 1 does not inadvertently slide out, said adapter 3 can nevertheless be withdrawn with acceptable loading for an inserted implant 1” (*emphasis added*).

Thus, the transfer cap serves as an external connecting element between the adapter and the implant. One of ordinary skill in the art would understand that, collectively, the transfer cap (2) and the adapter (3) are the minimum components required to implement a connection to the dental implant and that the clamping portion (30) alone cannot retain and transfer the dental implant. Without the transfer cap (2) in place, there is no axial connection between the adapter and the dental implant. Thus, and consequently, the adapter and the implant are merely in contact with one another along the axial direction.

Applicants further respectfully submit that the recitation, “connection”, in Claims 11, 17 and 18 of the present application requires a positive attachment between two elements to be connected. For example, the present application describes (at Page 2, under the subtitle of “Summary of the Invention”), “a secure and an easily established connection with an implant” and

“which maintains the secure connection with the implant”. Furthermore, throughout the specification, the transfer part is alternatively referred to as a “holding element”.

In contrast, Vogt merely discloses a two-piece transfer device including a transfer part and a transfer cap, wherein the axial connection is implemented on the exterior of the implant by the transfer cap rather than the alleged transfer part (i.e., the adapter 3). The driving section (30) is not attributable to the connection between the transfer part and the implant. Thus, Applicants respectfully submit that the driving section (30) of Vogt should not be considered a “clamping portion” as contemplated by the present invention.

Porter discloses an abutment, which is connected to an implant via a screw. In addition to the connection, a negligible retention force is also provided via a toroidal spring. Thus, neither Vogt nor Porter, taken alone or in combination, teach or suggest connecting a transfer part to an implant using solely a clamping ring. As a matter of fact, Porter teaches away from this arrangement by requiring a designated connection mechanism in addition to the toroidal spring.

Obviousness requires a suggestion of all the elements in a claim (*CFMT, Inc. v. Yieldup Int’l Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003)) and a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does (*KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)). Since the hypothetical combination of Vogt and Porter fail to suggest all the elements recited in independent Claims 11, 17 and 18, the rejection of Claims 11, 13, 14 and 16-21 under 35 U.S.C. § 103(a) based on Vogt and Porter is overcome and withdrawal thereof is respectfully requested.

The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt and Porter, in view of U.S. Patent No. 5,078,605 to Sutter et al.,

(hereinafter "Sutter"). The rejection is respectfully traversed for at least the reasons set forth below.

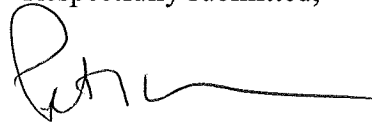
Claim 11, from which Claim 12 depends, is discussed above.

Vogt and Porter are discussed above relative to Claim 11. Sutter is applied to allegedly teach the materials, such as PEEK, for making a clamping ring. Without acquiescing in the propriety of the Examiner's interpretation of Sutter, Applicants respectfully submit that Sutter does not remedy the underlying deficiencies of Vogt and Porter with regard to Claim 11. Thus, taken alone or in any combination, none of Vogt, Porter and Sutter teach or suggest the combination of features recited in Claim 12.

Accordingly, the rejection of Claim 12 under 35 U.S.C. § 103(a) based on the combination of Vogt, Porter and Sutter is overcome, and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343 - Telephone
516-742-4366 - Fax

PIB/HC/ech